

REMARKS

Applicant wish to thank Examiner Burch for the interview that was accorded Applicants' attorney in the present application.

During the interview the merits of the present invention over the prior art were discussed. It was pointed out that in the present invention, unlike in the prior art applied against claim 1, the hydraulic pressure supply passage (i.e., passage 20 in the preferred embodiment disclosed in connection with Fig. 1) by-passes the pressure adjusting mechanism of the pressure adjusting valve (i.e., valve 3 of Fig. 1). In *Ota et al.*, the portion of the circuit characterized as the "hydraulic pressure supply passage" by the examiner in the final rejection in the parent application, i.e., the portion of the circuit "extending from RF to the horizontal line above Wrl" does not by-pass the pressure adjusting mechanism of the pressure adjusting valve. That distinctive feature is now recited in each of independent claims 1, 2 and 3.

Accordingly, it is submitted that claims 1-3 are not anticipated by *Ota et al.* Moreover, it is not seen how Fig. 3 of *Ota et al.* could be modified in any obvious way that would enable claims 1, 2 and 3 to be readable thereon.

Each of new dependent claims 12, 13 and 14 recites that the hydraulic passage "communicates with the wheel cylinders for introducing hydraulic fluid thereinto." In *Ota et al.*, the portion of the circuit deemed as constituting a hydraulic passage in the final rejection i.e., the portion "extending from the point above MR1 down to below PCB and including a portion of the horizontal line above [Wrl] leading from the pressure adjusting valve to the wheel cylinders" is not adapted to introduce hydraulic fluid into the wheel cylinders as recited in claims 12-14.

In addition, each of dependent claims 12-14 recites that each of the first and second proportional valves is "selectively" positionable in each of its plurality of open positions." Even if it were assumed for the sake of argument that the on-off valves employed by *Ota et al.* have "various degrees of openness since the valves move from fully open to fully closed" as asserted on page 6 of the final rejection, those valves of *Ota et al.* cannot be considered as being selectively positionable in each of the plurality of open positions as recited in claims 12-14. That is, a user could not select such open positions since they don't exist as distinctive positions.

As regards the requirement in the final rejection to depict a "vehicle" in the drawings, the term "vehicle" has been deleted from the preambles of the claims, and "to impart" has been changed to – for imparting – in claims 1-3. Thus, the issue should be moot.

In light of the foregoing, it is submitted that the application is in condition for allowance.

Respectfully submitted,

BUCHANAN INGERSOLL PC

By: _____

Alan E. Kopecki
Registration No. 25,813

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P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620